

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KATIE ANN MIKKELSON,
RYAN MICHAEL MIKKELSON, and
CHRISTOPHER JOHN MIKKELSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KELLY MIKKELSON,

Respondent-Appellant.

UNPUBLISHED

October 25, 2005

No. 259171

Macomb Circuit Court

Family Division

LC No. 02-053651-NA

Before: Gage, P.J., and Hoekstra, and Murray, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). Respondent was physically and verbally abusive to his children, with whom he had court-ordered parenting time on alternate weekends. The children feared him and did not desire to have a relationship with him. This proceeding commenced when seven-year-old Katie alleged that respondent touched her in a sexually inappropriate manner. Although criminal charges were never brought against respondent, a doctor's examination revealed physical signs confirming the allegation.

Respondent complied with most aspects of his parent agency agreement and completed parenting classes and anger management classes. The crux of reunification, however, was joint therapy between the children and respondent to rebuild their relationship. Respondent resided hundreds of miles away from the children because his ex-wife moved the children to Macomb County. Respondent also relocated to Louisiana for eight months during this proceeding, and due to distance the requisite therapy did not take place and progress toward reunification was not made. However, as noted by the trial court, respondent bore the responsibility of compliance. Respondent retired in August 2003 and was thereafter free to relocate to any place. His claim of employment constraints was not convincing, and he failed to make the effort to engage in regular, consistent therapy with the children. The condition of inappropriate care was not

rectified, and in light of respondent's failure for sixteen months to participate in therapy with the children, there was no reasonable likelihood that respondent would be able to provide proper care within a reasonable time. The children had been emotionally harmed by respondent in the past and since no progress had been made were likely to be emotionally harmed again if returned to respondent.

The children remained in their mother's custody during this proceeding. Termination of respondent's parental rights was appropriate, rather than the less drastic option of modifying the judgment of divorce to require supervision of all of respondent's contact with the children, because there was no indication that respondent would ever take the steps necessary to improve the parent-child relationship. The children were anxious and distressed regarding visits with respondent. A continuing relationship in which respondent could continually move to modify his parenting time would be detrimental to the children, causing them anxiety and uncertainty for the duration of childhood. Respondent had already harmed the children emotionally, and termination was required to prevent emotional harm in the future.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children were not bonded to respondent. The trial court did not rely on the children's wishes and anger toward respondent in determining their best interests. Rather, the trial court noted that the opposite of bonding had occurred in this case, that respondent did not fulfill his obligation of pursuing the therapy necessary for reunification, and that the children's therapist recommended a permanent resolution.

Affirmed.

/s/ Hilda R. Gage
/s/ Joel P. Hoekstra
/s/ Christopher M. Murray